

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1436 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

PATEL KACHARABHAI CHHAGANBHAI

Versus

STATE OF GUJARAT

Appearance:

MR PS PATEL for Petitioner
MR PREMAL JOSHI FOR MR SP HASURKAR for
Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/10/2000

ORAL JUDGEMENT

#. Rule. Mr.Premal Joshi waives service of Rule on
behalf of respondents.

#. I find sufficient justification in the grievance made

by learned counsel for the petitioner that representation filed by petitioner against the adverse remarks communicated to the petitioner for the period 1.4.87 to 31.3.88 has not been decided so far. It is highly arbitrary and unjustified that the representation filed against the adverse remarks is not decided and further these adverse remarks are taken into consideration for denial of promotion to the petitioner and many of the junior persons have been given promotion. Be that as it may, the respondent No.2 is directed to decide the representation filed by petitioner against the adverse remarks aforesaid within a period of two months from the date of receipt of writ of this order. In case the adverse remarks are expunged, the case of the petitioner be considered afresh for giving promotion from the date on which his immediate junior has been given promotion. Where the adverse remarks are not expunged, liberty is granted to the petitioner for revival of this special civil application. Rule is made absolute accordingly with no order as to costs.

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(sunil)